IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WA.No. 1305 of 2007()

AGAINST THE JUDGEMENT IN WPC.25066/2006 Dated 19/03/2007

APPELLANT: PETITIONER

RAJAN CASHEW COMPANY,REP.BY ITS
PROPRIETOR,P.NATARAJAN,MARANADU,
EZHUKONE,KOLLAM.

BY ADV. SMT.S.KARTHIKA
SRI.M.R.ANISON
SRI.M.S.UNNIKRISHNAN
SMT.K.P.GEETHA MANI
SRI.T.R.RAJESH

RESPONDENTS: RESPONDENTS

1. KERALA STATE ELECTRICITY BOARD,REP.BY
ITS CHAIRMAN,K.S.E. BOARD,
THIRUVANANTHAPURAM.

2. KERALA STATE ELETICITY REGULATORY
COMMISSION, REP.BY ITS CHAIRMAN,30,
PARAMESWARA BHAVAN,BELLIHAVEN GARDENS,
KOWDIYAR,THIRUVANANTHAPURAM.

3. THE ASST.EXECUTIVE ENGINEER,MAJOR SECTION
K.S.E.B.,EZHUKONE,KOLLAM.

BY STANDING COUNSEL FOR KSEB SRI.K.S.ANIL

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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W.A. No. 1305 OF 2007

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Dated this the 12th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

Questioning the correctness or otherwise of the judgment delivered by the learned single Judge in W.P.(C) No. 25066 of 2006 dated 19th March 2007, the petitioner in the Writ Petition has filed this Appeal.

2. Learned counsel for the appellant, Shri M.R. Anison would submit that the learned single Judge, without quashing Ext.P3 issued by the respondents, ought not to have directed the second respondent to re-hear the petitioner and pass appropriate orders with regard to the applicability or otherwise of LT-IV tariff instead of LT-VII(A) tariff.

3. In our view, the apprehension of the petitioner is misconceived. The learned single Judge, after noticing that an order has been passed by the respondents without complying with the orders and directions issued by this court, has stated that the petitioner is not bound by the orders passed by the respondents by Ext.P3. That only means that the learned single Judge has prevented the authorities from

enforcing Ext.P3 order against the petitioner.

4. In that view of the matter, we do not see any error in the impugned judgment. Therefore, no interference is called for in this Writ Appeal.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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